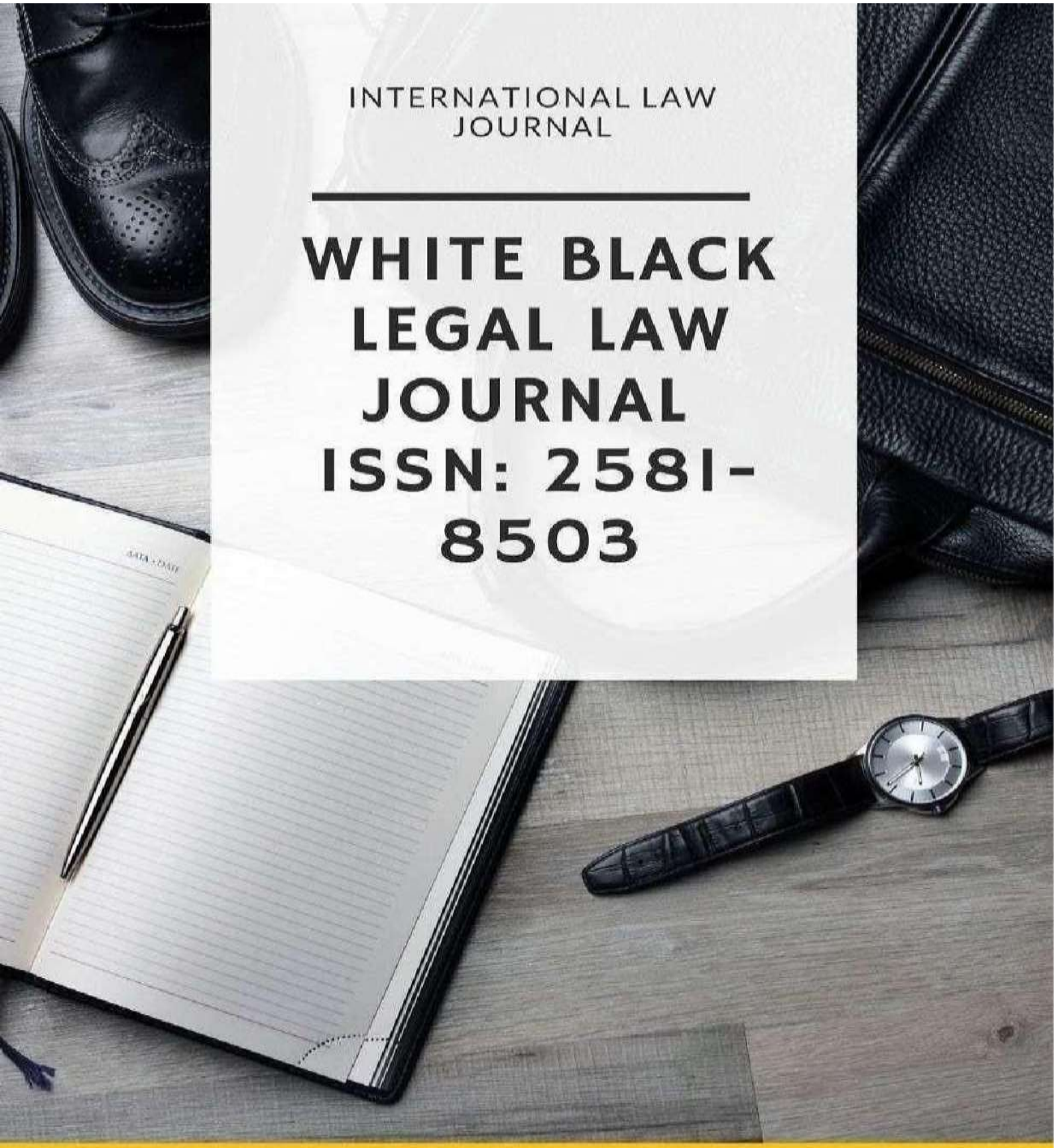

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AI-GENERATED CONTENT AND COPYRIGHT AUTHORSHIP: CHALLENGES UNDER INDIAN LAW

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Abstract

The rapid development of Artificial Intelligence (AI), particularly generative AI systems capable of producing text, images, music, code, and videos, has created significant legal uncertainty in copyright law. The Indian copyright framework, governed primarily by the Copyright Act, 1957, was drafted in an era where creativity was understood exclusively as a human activity. Although Section 2(d)(vi) recognizes "computer-generated works," the provision was enacted long before modern autonomous AI systems emerged. Consequently, the law does not clearly address whether AI-generated content qualifies for copyright protection, who should be considered the author, and how ownership and liability should be allocated.

This paper critically analyses the challenges posed by AI-generated content under Indian copyright law. It examines the concept of AI-generated works, the statutory framework under the Copyright Act, 1957, judicial interpretations relating to originality and authorship, comparative international approaches, and legal concerns arising from AI training datasets. The paper argues that the current Indian legal framework remains inadequate to address the complexities introduced by generative AI systems.

The study concludes that India requires targeted legislative reform to clarify authorship standards, ownership rights, liability principles, and the legality of AI training practices while balancing technological innovation with the protection of human creators.

Keywords: Artificial Intelligence, Copyright, Authorship, AI-Generated Content, Intellectual Property Rights, Originality, Machine Learning

1. Introduction

1.1 The Changing Nature of Creativity

Copyright law has historically been based on the assumption that creative works originate from human intellect. Whether it is literature, music, paintings, films, or dramatic works, copyright systems across the world were designed to protect human expression and reward intellectual labour. The Indian copyright framework under the Copyright Act, 1957 follows this traditional understanding.

However, the emergence of Artificial Intelligence has transformed the nature of creativity itself. Modern generative AI systems can independently produce essays, poems, paintings, software code, music compositions, and videos with minimal human intervention. Unlike earlier software tools that merely assisted creators, generative AI systems actively participate in the creative process by making autonomous decisions regarding structure, composition, style, and presentation.

This technological shift raises a fundamental legal question: can a machine-generated work receive copyright protection, and if so, who should be regarded as the author?

The issue is no longer theoretical. AI-generated content is now widely used in entertainment, journalism, advertising, software development, education, and commercial marketing. Businesses increasingly rely on AI systems for creative output because they reduce cost and increase efficiency. At the same time, human creators fear that AI-generated works may undermine traditional creative professions.

The legal uncertainty surrounding AI-generated content creates difficulties for creators, AI developers, businesses, and policymakers alike. Indian copyright law currently provides no comprehensive answer to these issues.

1.2 Rise of Generative AI

Generative AI refers to AI systems capable of creating new content based on patterns learned from large datasets. Systems such as large language models and image-generation platforms are trained on enormous quantities of text, images, music, and other creative material.

For instance, a user may provide a simple prompt such as "write a poem on monsoon rains in Delhi" or "create a painting in the style of Van Gogh." The AI system then produces a complete output by processing patterns learned during training.

In many situations, the human contribution is limited only to giving instructions, while the AI independently determines the wording, structure, colours, artistic composition, and style. This blurs the traditional distinction between human authorship and machine assistance.

The growing use of generative AI in India makes the issue particularly significant. Indian businesses, media companies, publishing houses, and software industries increasingly rely on AI-generated content. Yet the Copyright Act, 1957 predates such technologies and does not adequately address the resulting legal complexities.

1.3Research Objectives

This research paper seeks to examine the legal challenges posed by AI-generated content under Indian copyright law. The study analyses the concept of AI-generated works and evaluates the adequacy of the Copyright Act, 1957 in addressing emerging technological realities. It further examines judicial interpretations relating to originality, authorship, and digital copyright while comparing international approaches adopted by jurisdictions such as the United States, the European Union, and the United Kingdom. The paper also explores the legal concerns surrounding AI training datasets and proposes reforms suited to the Indian legal framework.

2. Understanding AI-Generated Content

2.1Meaning of Artificial Intelligence

Artificial Intelligence broadly refers to computer systems capable of performing tasks traditionally associated with human intelligence, including language processing, decision-making, image recognition, and creative production.

Modern AI systems operate through machine learning techniques. These systems are trained on massive datasets containing existing human-created works. By analysing patterns within the data, AI systems learn how language, images, and music are structured.

Importantly, AI systems do not possess human consciousness, emotions, or independent

understanding. They function through statistical analysis and predictive modelling rather than genuine human creativity.

This distinction becomes important in copyright law because copyright traditionally protects the intellectual expression of human creators.

2.2Types of AI Involvement in Creativity

AI involvement in creative production exists on a broad spectrum. In some situations, AI merely assists human creators by functioning as a technological tool. Applications such as grammar correction software, AI-based photo editing systems, and music enhancement tools fall within this category. In such cases, the human creator continues to exercise substantial creative control and authorship remains relatively undisputed.

A more complex situation arises where humans and AI systems collaboratively contribute to the final work. Writers may use AI systems to generate drafts and subsequently refine or modify them, while artists may combine and edit AI-generated images to create new artistic expressions. Here, the line between human creativity and machine contribution becomes increasingly blurred.

Further complexity emerges in prompt-based AI systems where users provide only minimal instructions, such as short text prompts, and the AI independently generates sophisticated outputs. The issue in such situations is whether the act of providing prompts amounts to sufficient creative contribution for copyright protection.

At the far end of the spectrum are fully autonomous AI systems capable of generating content without direct human intervention at the time of creation. Automated news-generation systems, AI-generated music platforms, and continuously operating creative algorithms represent examples of this category. These works raise the most significant legal challenges because they lack identifiable human authorship.

2.3AI Outputs: Original Yet Derivative

AI-generated outputs are unique in nature. On one hand, they appear novel because they produce content that did not previously exist in identical form. On the other hand, these outputs

are entirely dependent on pre-existing works used during training.

This creates a difficult legal problem. AI-generated content may not directly copy any single copyrighted work, yet it is fundamentally derived from patterns learned from copyrighted material.

Additionally, AI outputs sometimes resemble existing works very closely. In some cases, AI systems have reproduced copyrighted text or artistic styles with remarkable similarity, raising concerns regarding infringement and unauthorized appropriation.

3. The Indian Copyright Framework

3.1 Copyright Act, 1957

India's copyright regime has roots in the colonial era, beginning with the Indian Copyright Act of 1847, which was superseded by subsequent colonial legislation. The current framework is established by the Copyright Act, 1957, which came into force on January 21, 1958. This Act was modeled substantially on the UK Copyright Act of 1911 and the Imperial Copyright Act of 1914 as applicable to India.

The 1957 Act has been amended multiple times, with significant amendments in 1983, 1984, 1992, 1994, 1999, and 2012. These amendments have addressed various developments including software copyright, performers' rights, digital technologies, and the interests of disabled persons. However, none of these amendments has comprehensively addressed the challenges posed by artificial intelligence.

India is a party to major international copyright agreements including the Berne Convention, the Universal Copyright Convention, and the TRIPS Agreement. These international commitments shape India's domestic copyright framework and create certain minimum standards that Indian law must maintain.

3.2 Subject Matter of Copyright Protection

The requirement of originality is crucial. Copyright subsists only in "original" works, meaning works that originate from the author rather than being copied from another source. This requirement will prove critical when analysing AI-generated content.

Literary Works: Under Section 2(o), literary works include computer programs, tables, compilations (including computer databases), and any work expressed in words, figures, or symbols. This broad definition encompasses most text-based AI outputs.

Artistic Works: Section 2(c) defines artistic works to include paintings, sculptures, drawings, engravings, photographs, architectural works, and works of artistic craftsmanship. AI-generated images would typically fall within this category.

Musical Works: Section 2(p) defines musical works as works consisting of music, including any graphical notation of such work. AI-generated musical compositions would qualify.

Dramatic Works: Section 2(h) encompasses plays, choreographic works, and any work intended for performance. AI-generated screenplays or theatrical scripts would fall here.

3.3Authorship Under Section 2(d)

Section 2(d) defines the "author" of different categories of works. For literary, musical, and artistic works, the Act clearly assumes human creators.
However, Section 2(d)(vi) provides:

"In relation to any literary, dramatic, musical or artistic work which is computer-generated, the person who causes the work to be created shall be the author."

This is the only provision in Indian law directly addressing computer-generated works.

Ambiguities in Section 2(d)(vi)

Section 2(d)(vi) creates several interpretational challenges when applied to modern generative AI systems. The provision does not clearly identify who should be regarded as the person causing the work to be created. Multiple parties may potentially claim authorship, including the AI developer, the company operating the platform, the user providing prompts, or the entity responsible for training the AI model.

The provision also fails to clarify the degree of human involvement necessary for authorship. It remains uncertain whether a minimal prompt is sufficient to establish creative contribution

or whether the law requires meaningful human intellectual control over the final output.

Another difficulty lies in the phrase "computer-generated work" itself. The provision was inserted through amendments in 1994, long before the emergence of autonomous generative AI systems. At that time, computers functioned primarily as assisting tools rather than independent content generators. Consequently, the provision is poorly equipped to address contemporary AI technologies.

3.4First Ownership Under Section 17

Section 17 provides that the author is generally the first owner of copyright.

However, exceptions exist for:

- Works created during employment;
- Government works;
- Commissioned works; and
- Works created under contracts of service.

AI-generated works complicate ownership because multiple parties contribute to the final output. Determining first ownership under the current framework becomes extremely difficult.

4. Judicial Interpretation and Digital Copyright

4.1Originality and Human Creativity

Indian courts have developed a substantial body of precedent on originality and authorship, though none directly addresses AI-generated content. These decisions nonetheless provide important guidance for how courts might approach AI-related disputes.

R.G. Anand v. Deluxe Films (1978): This Supreme Court decision remains one of the most frequently cited authorities on Indian copyright law. The case involved allegations that the film "New Delhi" infringed the copyright in a play titled "Hum Hindustani."

The Court articulated several fundamental principles. First, copyright protects the expression of ideas, not ideas themselves. Second, originality refers to the independent creation of a work rather than copying. Third, even where two works share the same underlying idea, there is no infringement if the expression is substantially different.

Justice V.R. Krishna Iyer's judgment emphasized:

"There can be no copyright in an idea, subject matter, themes, plots or historical or legendary facts and violation of the copyright in such cases is confined to the form, manner and arrangement and expression of the idea by the author of the copyrighted work."

For AI-generated content, R.G. Anand establishes that protection attaches to expression rather than ideas. An AI system that generates novel expression of common ideas might, in principle, produce copyrightable content—but only if the expression itself satisfies the originality requirement.

Burlington Home Shopping v. Rajnish Chibber (1995): The Delhi High Court addressed the copyrightability of databases, specifically a compilation of data from telephone directories. The Court held that substantial labor and investment in compilation could establish copyright, applying the "sweat of the brow" doctrine.

This decision predates Eastern Book Company and reflects the older approach to originality. However, it remains relevant for understanding how courts have treated compilations and machine-assisted works.

4.2Digital Copyright Cases

Indian courts have addressed various aspects of digital copyright, providing insights into how the legal system adapts to technological change.

Super Cassettes Industries Ltd. v. Myspace Inc. (2011): The Delhi High Court examined intermediary liability for copyright infringement on user-generated content platforms. The Court distinguished between mere hosting (which might attract safe harbour protection) and active involvement in infringement.

The decision is relevant to AI platforms because it establishes that the nature and extent of a platform's involvement in infringing activity matters for liability determination. An AI platform that generates infringing content occupies a different position than one that merely hosts user-uploaded content.

This procedural innovation demonstrates judicial willingness to adapt remedies to technological realities. Similar flexibility may be required to address AI-generated infringement, where infringing content can be produced at scale and traditional enforcement mechanisms prove inadequate.

4.3 Intermediary Liability and Safe Harbour

The Information Technology Act, 2000 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 establish the framework for intermediary liability in India.

Section 79 of the IT Act: This provision grants intermediaries immunity from liability for third-party content, subject to conditions including due diligence compliance and removal of unlawful content upon obtaining actual knowledge.

Shreya Singhal v. Union of India (2015): The Supreme Court's landmark decision clarified that intermediaries are required to remove content only upon receiving court orders or government notifications, not merely upon private complaints. The Court struck down certain provisions of the IT Act that had been interpreted to require more proactive content removal.

For AI platforms, the intermediary liability framework raises important questions. Is a platform that provides AI generation tools an "intermediary" in the relevant sense? The platforms are not merely transmitting or hosting content created by others—they are providing tools that generate content. This may place them outside traditional intermediary categories

5. International Approaches

5.1 United States

The United States maintains one of the most clearly articulated positions on AI and copyright: human authorship is an absolute prerequisite for protection, and the US Copyright Office has repeatedly refused registration for AI-generated works.

The Copyright Office's Position: The US Copyright Office has issued multiple decisions denying copyright registration to AI-generated content. In the 2022 case involving an AI-generated artwork titled "A Recent Entrance to Paradise," the Office held that the work lacked

the human authorship necessary for copyright protection. The applicant, Steven Thaler, had listed the AI system (DABUS) as the author and himself as the owner through assignment. The Office rejected this arrangement, finding that copyright requires human creative control.

In 2023, the Office cancelled the copyright registration for "Zarya of the Dawn," a graphic novel created using AI-generated images. While the applicant retained copyright in the text she had written and the selection and arrangement of images, the AI-generated images themselves were deemed uncopyrightable.

The Copyright Office has issued guidance stating that it will not register works "produced by a machine or mere mechanical process" that operates "without any creative input or intervention from a human author." However, the Office acknowledges that works containing AI-generated elements may still be registrable if they also contain "sufficient human authorship."

Judicial Treatment: US courts have not yet definitively ruled on AI authorship, but existing precedent strongly suggests AI-generated works will not receive protection. In Naruto v. Slater (2018), the Ninth Circuit held that a monkey could not own copyright in photographs it had taken. While the case involved an animal rather than AI, the reasoning emphasized that copyright is a statutory right that Congress has granted only to human authors.

The "human authorship" requirement derives from the Copyright Clause of the US Constitution, which empowers Congress to grant exclusive rights to "Authors." Courts have interpreted this term to require human creativity.

Training Data Litigation: The United States has seen substantial litigation concerning AI training on copyrighted works. Multiple lawsuits are pending against major AI companies, with plaintiffs including authors, artists, and media organizations alleging that AI training constitutes infringement. These cases will significantly shape the legal landscape.

In Authors Guild v. Google (2015), the Second Circuit held that Google's digitization of millions of books for its searchable database constituted fair use because it was "transformative"—the digitization served a different purpose (search and reference) than the original works (reading and entertainment). AI developers have argued that training is similarly

transformative, but this argument faces challenges where AI outputs compete directly with the works used for training.

5.2European Union

The European Union's approach emphasizes the requirement that copyrightable works reflect the "author's own intellectual creation"—a standard established by the Court of Justice of the European Union (CJEU) and applied throughout EU member states.

The "Author's Own Intellectual Creation" Standard: In Infopaq International A/S v. Danske Dagblades Forening (2009), the CJEU held that copyright protection applies to works that are "the author's own intellectual creation" reflecting the author's personality through free and creative choices. This standard has been applied consistently in subsequent cases.

Under this framework, purely AI-generated works likely cannot receive copyright protection because they do not reflect an author's personality—there is no author with a personality to reflect.

The EU AI Act: The European Union has enacted the AI Act, which establishes a comprehensive regulatory framework for artificial intelligence. While the AI Act does not directly address copyright issues, it creates transparency requirements that may interact with copyright concerns. For example, providers of general-purpose AI models must publish summaries of training data content, potentially facilitating copyright enforcement.

National Variations: EU member states retain some flexibility in implementing copyright directives, leading to variations in approach. Some member states provide explicit protection for computer-generated works (following the UK model, though the UK has left the EU), while others maintain stricter human authorship requirements.

5.3United Kingdom

The United Kingdom adopts a more flexible approach.

Section 9(3) of the Copyright, Designs and Patents Act, 1988 provides that for computer-generated works, the author shall be the person undertaking the arrangements necessary for creation.

This provision influenced Section 2(d)(vi) of the Indian Copyright Act.

However, even under UK law, uncertainty remains regarding who makes the "necessary arrangements" in the context of generative AI.

6. AI Training and Copyright Infringement

6.1The Dataset Problem

Modern generative AI systems depend on extensive training datasets comprising copyrighted books, articles, photographs, paintings, music, websites, and other creative material. AI developers use these datasets to train machine learning models capable of generating new outputs based on patterns learned from existing works.

This process creates a major copyright concern because training necessarily involves copying and processing copyrighted works. Although AI developers argue that the systems merely analyse patterns rather than reproduce creative expression, the training stage still requires digital reproduction and storage of protected content.

The issue therefore arises whether AI training itself constitutes copyright infringement under Indian law. This question has become one of the most controversial aspects of AI regulation worldwide.

6.2Reproduction Rights

Section 14 of the Copyright Act grants copyright owners the exclusive right to reproduce their works.

AI training involves copying, storing, and processing copyrighted works. Therefore, the training process may potentially infringe reproduction rights.

AI developers argue that training merely analyses patterns rather than reproducing creative expression. However, the works are still copied during the training stage.

6.3Fair Dealing Defence

Section 52 of the Copyright Act provides exceptions under the doctrine of fair dealing.

AI developers may argue that training qualifies as "research." However, this defence is uncertain because:

- AI training is often commercial in nature;
- Training occurs at massive industrial scale; and
- AI-generated outputs may compete directly with original works.

The applicability of fair dealing to AI training remains unresolved in India.

6.4Derivative Works and Style Imitation

AI systems can imitate artistic styles with remarkable precision.

Although copyright law generally does not protect artistic "style," AI-generated imitation may economically harm artists whose works were used during training.

For example, users may generate paintings "in the style of" a famous artist without authorization. This allows AI systems to commercially exploit years of artistic development without compensating the original creator.

6.5Opt-Out Mechanisms

Some AI companies provide mechanisms allowing creators to exclude their works from training datasets.

However, these systems remain limited because:

- They often apply only prospectively;
- Enforcement is difficult;
- Many creators are unaware of such mechanisms; and
- Existing models may already contain the data.

Consequently, opt-out approaches alone are unlikely to resolve the problem.

7. Ownership and Liability Challenges

7.1Ownership of AI-Generated Content

If AI-generated works receive copyright protection, ownership becomes highly complicated. Potential claimants include:

- AI developers;
- Software companies;
- Users providing prompts;

- Employers;
- Platform operators; and
- Individuals supplying training data.

The present legal framework provides no clear method for resolving competing claims.

7.2Contractual Solutions

Many AI companies attempt to resolve ownership issues through terms of service.

Some platforms assign generated content to users, while others retain ownership rights or broad usage licences.

However, contractual provisions cannot create copyright where none legally exists.

Therefore, if AI-generated works are ultimately considered uncopyrightable, contractual arrangements alone cannot resolve the issue.

7.3Liability for Infringing Outputs

AI systems sometimes generate outputs that resemble copyrighted works. This raises the question: who should be liable for infringement?

(a) AI Developers

Developers create the systems capable of generating infringing material. However, imposing unlimited liability may discourage innovation.

(b) Users

Users may intentionally or unintentionally generate infringing outputs. Their liability may depend on knowledge and intent.

(c) Platforms

Platforms occupy an intermediate position. They may claim intermediary protection under the Information Technology Act, 2000, though their active role in generating content complicates this defence.

7.4Enforcement Difficulties

Traditional copyright enforcement mechanisms are poorly suited for AI-generated infringement because:

- AI can generate content at massive scale;
- Detection is difficult;
- Identifying responsible parties may be complicated; and
- AI-generated works spread rapidly online.

These challenges require new enforcement strategies and regulatory mechanisms.

8. Need for Legal Reform in India

8.1 Inadequacy of the Current Framework

The analysis in preceding sections demonstrates that India's current copyright framework is inadequate to address the challenges posed by AI-generated content. This inadequacy manifests across multiple dimensions.

Conceptual Gaps: The Copyright Act, 1957, is built on the assumption of human authorship. Its provisions concerning originality, authorship, ownership, and moral rights all presuppose that works originate in human creative activity. AI-generated content does not fit naturally within this framework.

Textual Ambiguity: Section 2(d)(vi), the only provision explicitly addressing computer-generated works, employs language that is ambiguous when applied to modern AI systems. The phrase "person who causes the work to be created" does not clearly identify any single party in the AI content generation ecosystem.

Absence of Guidance: Courts have not had occasion to interpret Section 2(d)(vi) in the context of modern AI systems. The provision has largely remained dormant, and judicial interpretation might eventually clarify its meaning, but relying on case-by-case development is slow and uncertain.

Incomplete Coverage: The Copyright Act does not address many AI-specific issues, including the legal status of AI training on copyrighted works, liability allocation for AI-generated infringement, disclosure and transparency requirements, and the relationship between AI copyright and other legal frameworks.

8.2Key Areas Requiring Reform

One of the most important reforms required under Indian copyright law is a clear definition of AI-generated works. The law must distinguish between AI-assisted works, where humans retain substantial creative control, and fully autonomous AI-generated works. Such a distinction is essential because the degree of human involvement directly affects questions of authorship and originality.

The law must also clarify who should be regarded as the author of AI-generated content. Different approaches may be considered, including recognizing users as authors where meaningful creative contribution exists, granting limited rights to developers, or denying copyright protection altogether for purely autonomous AI-generated outputs.

Another urgent issue concerns AI training datasets. Indian law currently provides no clear guidance regarding whether copyrighted works may be used for AI training without authorization. Policymakers may therefore need to consider mechanisms such as statutory licensing systems, collective management structures, compensation schemes, or opt-out frameworks.

Legislative reform must further establish a coherent liability framework identifying the responsibilities of developers, users, and AI platforms in cases involving copyright infringement. Transparency obligations requiring disclosure of AI-generated content may also help improve accountability and enforcement.

8.3Preferred Reform Approach

A balanced approach appears most suitable for India.
Purely AI-generated works should not receive the same level of protection as human-created works because copyright fundamentally exists to encourage human creativity.

However, AI-assisted works involving substantial human contribution should continue to receive protection.

India may also consider introducing a limited sui generis regime for AI-generated outputs rather than extending full traditional copyright protection.

9. Balancing Innovation and Protection

9.1Encouraging Technological Innovation

AI developers argue that copyright protection encourages investment in AI technologies.

Developing advanced AI systems requires enormous financial investment, computational resources, and technical expertise. Companies therefore seek legal certainty regarding the commercial use of AI-generated outputs.

Excessive regulation may discourage innovation and place India at a competitive disadvantage in the global AI market.

9.2Protecting Human Creators

The interests of human creators deserve central consideration in any policy analysis. Copyright has traditionally served to reward human creativity and enable creators to earn livelihoods from their work. AI threatens this arrangement in several ways.

Competition: AI-generated content competes directly with human-created content. If businesses can obtain adequate creative content from AI at near-zero marginal cost, demand for human creators may diminish substantially.

Training Exploitation: Human creators' works are used to train AI systems without permission or compensation, transferring value from creators to AI companies.

Style Appropriation: AI can imitate distinctive creative styles, appropriating the commercial value of human creative development.

Market Displacement: As AI capabilities improve, the domains where human creativity retains commercial advantage will likely narrow, potentially displacing human creators from many creative occupations.

These concerns argue for policies that protect human creators—perhaps by limiting copyright in AI-generated works, requiring compensation for training data, or otherwise preserving space for human creativity in the market.

9.3Public Interest Considerations

The public interest in access to creative works is another crucial consideration. Copyright involves a tradeoff: granting exclusive rights restricts access to works in the short term but is intended to encourage the creation of more works in the long term.

AI changes this calculus. If AI can generate creative content without the incentive of copyright protection, restricting access through copyright may impose costs without corresponding benefits. On the other hand, if copyright incentives are necessary for AI development, the public interest in that development must be weighed.

The public also has interests in knowing when content is AI-generated (particularly for news, educational materials, and content that might shape beliefs) and in ensuring that AI does not displace human cultural production entirely.

9.4Need for International Coordination

AI development is global in nature.

Different national approaches may create regulatory inconsistency and enforcement problems. India should therefore actively participate in international discussions through organizations such as the World Intellectual Property Organization (WIPO).

10.Conclusion

This paper has examined the legal challenges posed by AI-generated content to copyright authorship under Indian law. The analysis reveals several key findings.

The emergence of generative AI has fundamentally disrupted the assumptions underlying traditional copyright law. Copyright has always presumed human authorship; AI-generated content calls this presumption into question.

The Copyright Act, 1957 provides no clear framework for AI-generated works. Section 2(d)(vi), which addresses computer-generated works, was enacted before modern generative AI and employs language that creates substantial ambiguity when applied to current technology.

Existing judicial interpretations of originality, particularly the Supreme Court's adoption of the "modicum of creativity" standard in Eastern Book Company v. D.B. Modak, suggest that purely AI-generated works may fail to satisfy the originality requirement for copyright protection.

International approaches vary significantly, from the United States' insistence on human authorship to the United Kingdom's broader accommodation of computer-generated works. No international consensus has emerged.

AI training on copyrighted works raises serious infringement concerns that existing exceptions, including fair dealing, may not adequately address.
Ownership and liability for AI-generated content remain deeply uncertain under current law, creating practical difficulties for all parties in the AI ecosystem.

10.2 Recommendations

Based on this analysis, the paper offers several recommendations.

First, India should undertake comprehensive legislative reform to address AI and copyright. Piecemeal amendments or reliance on judicial development will prove inadequate given the pace and scope of technological change.

Second, any reform should maintain the principle that copyright fundamentally protects human creativity. Extending full copyright protection to purely AI-generated works would represent a radical departure from copyright's historical and normative foundations.

Third, reform should clarify the status of AI-assisted works where humans retain substantial creative control. A spectrum approach—providing stronger protection for works with greater human involvement—merits serious consideration.

Fourth, the legal status of AI training on copyrighted works requires urgent attention. Whether through licensing mechanisms, statutory exceptions with compensation requirements, or other approaches, the current legal uncertainty harms both creators and AI developers.

Fifth, liability rules for AI-generated infringement should be clarified, with appropriate allocation among developers, platforms, and users based on their respective roles and capacities.

Sixth, India should engage actively in international discussions on AI and intellectual property, contributing its perspective while learning from other jurisdictions' experiences.

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